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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,210	02/27/2004	Jean-Francois Gonthier	P24979	4694

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GREENBLUM & BERNSTEIN, P.L.C.  
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RESTON, VA 20191

EXAMINER
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SHRIVER II, JAMES A

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/787,210

Applicant(s)

GONTHIER, JEAN-FRANCOIS

Examiner

J. Allen Shriver

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-20 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/835,638.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/27/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/835,638 filed on April 17, 2001.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 3-4, 7-15, 17 and 19-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Reuss (US Patent 6,250,651 B1).** Reuss discloses a binding (70) to retain a boot (75) on a gliding or rolling apparatus (74), said binding comprising a base (See Figs. 7-8) for supporting the boot, said base including an upper surface extending along a plane; a first lateral flange (72), a second lateral flange transversely spaced from said first lateral flange (See Fig. 8), said first and second lateral flanges extending upwardly relative to said surface of the base, at least one linkage connecting said first lateral flange to said second lateral flange (See Figs. 7-8); said linkage including a first band (26) extending from one fastening end to a free end, a first fastener attaching said fastening end of said first band to said first lateral flange, a

Art Unit: 3618

tightening device (24) attached to said second lateral flange, said tightening device facilitating an adjustment of a length of said linkage by removably retaining a portion of said first band; an abutment (40) fixed to said first band, said tightening device being positioned between the abutment and said fastening end of said first band, thereby preventing a separation of said first band and said tightening device (See Figs. 6-8); at least one linkage of said at least one linkage being movable relative to said first and second lateral flanges to a boot removal/insertion position extending substantially along a plane parallel to said plane of said base (See Fig. 7 and column 6, lines 50-54); **[claims 3 and 9-10]** wherein said tightening device has a passage for guiding said first band, said abutment being wider than said passage (See Fig. 6); **[claim 4]** further comprising a rear arch (82) for supporting a rear of the boot, said rear arch connecting said first and second lateral flanges, wherein a length of each of said at least one linkage is constructed and arranged so that, when said each of said at least one linkage is forwardly positioned, each of said at least one linkage extends around a front of the boot when the boot is supported on said base plate and in contact with said rear arch (See Fig. 7); **[claim 7]** further comprising a second fastener (See Fig. 8), said linkage includes a second band (42), said second fastener attaching said second band to said second lateral flange, said tightening device being fixed to said second band (See Figs. 6-8); **[claim 8]** wherein said first and second lateral flanges are attached to said base; **[claim 11]** wherein said first and second fasteners of each linkage are journals (78); **[claim 12-13]** wherein one guide (46) guides said abutment along said second band (See Figs. 6-8); **[claim 14]** wherein said first and second fasteners constitute first and second journal connections; said one linkage of said at least one linkage is pivotal about said first and second journal connections to a position extending substantially along a plane parallel to said

Art Unit: 3618

plane of said base (See Fig. 8); **[claim 15]** wherein said first fastener extends from said first band to said first flange and said second fastener extends from said second band to said second flange; **[claim 19]** said first band of said linkage extending longitudinally in a direction along a plane from said first fastener to said tightening device and said second band of said linkage extending longitudinally in a direction along a plane from said second fastener to said tightening device (See Figs. 7-8); **[claim 20]** wherein said first and second bands of said linkage extend longitudinally along a common plane, said plane intersecting said first and second fasteners (See Fig. 8).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss (US Patent 6,250,651 B1).** Reuss discloses a binding as set forth above, but does not specifically disclose wherein said at least one linkage includes a front linkage having a length within a range of about 25-50 centimeters and a rear linkage having a length within a range of about 45-85 centimeters. In column 5, lines 15+, Reuss discloses providing various range adjustment of the straps to accommodate different sized boots. At the time of the invention, it would have been within the requisite skill of a person of ordinary skill in this art to provide a length of adjustment of about 25-50 cm for the front linkage and about 45-85 cm for the rear

linkage. The motivation for doing so would have been to allow for the length adjustment of straps to accommodate different sized boots.

6. **Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reuss (US Patent 6,250,651 B1) in view of Bumgarner (US Patent 5,758,895).** Reuss discloses a binding as set forth above, but does not disclose wherein said free end of said first band has a longitudinally tapered shape, and wherein said abutment has a pair of lateral teeth. Bumgarner discloses wherein said free end of said first band has a longitudinally tapered shape (See Fig. 1), and wherein said abutment has a pair of lateral teeth (See Figs. 4-6). At the time of the invention, it would have been obvious to a person of ordinary skill in this art to modify the shape of the free end of Reuss's first band to have a tapered shape with lateral teeth in view of the teaching of Bumgarner. The motivation for doing so would have been to prevent the free end of the first band from passing through the tightening device.

#### ***Allowable Subject Matter***

7. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

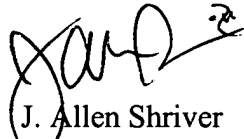
8. The prior art made of record in the accompanying PTO Form 892 and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 3618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Allen Shriver whose telephone number is (703) 308-1224. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris P. Ellis can be reached on (703) 305-0168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
J. Allen Shriver  
Examiner  
Art Unit 3618  
10/18/04

JAS